

City of Seattle

ANALYSIS AND DECISION OF THE SUPERINTENDENT
OF THE DEPARTMENT OF PARKS AND RECREATION

Proposal Name: **Queen Anne & Magnolia Off-Leash Areas**

Address of Proposal: **Magnolia Manor, 3500 - 28th Avenue West;
David Rodgers Park, 2800- 1st Avenue W; and,
Lower Kinnear Park, 899 W Olympic Place.**

SUMMARY OF PROPOSED ACTION

The project proposal involves the establishment of one or more pilot off leash areas (OLA's) in the Queen Anne and Magnolia neighborhoods. Once the SEPA process concludes, the Board of Park Commissioners will hold a public hearing and make a recommendation to the Superintendent as to which, if any, of the pilot area(s) should be created. The Parks Superintendent will then make the final decision.

SEPA DETERMINATION: Determination of Non-Significance (DNS)

BACKGROUND DATA

Existing Conditions

In the spring of 2006, Parks staff and a working committee identified several possible locations within existing parks for the establishment of one or more pilot dog off-leash areas (OLA) where dogs are allowed to run freely without being tethered to their owners or handlers. The recommended locations within three parks: Magnolia Manor Park, David Rodgers Park and Lower Kinnear Park are the subject of the following SEPA analysis and decision.

Magnolia Manor - The Park totals approximately 5 acres and is located at 3500 28th Avenue West. This site is on property with a covered reservoir and is under the jurisdiction of Seattle Public Utilities (SPU). The park portion, under agreement with SPU, is fenced off and consists of paved walking path and grass. The OLA would be approximately 11,000 SF. The OLA location is an open grass area near the fence dividing the reservoir property from the park area.

David Rodgers Park - The Park totals approximately 5 acres and is located at 2800 1st Avenue West. The potential OLA site is located in center of park near tennis courts and would be approximately 11,000 SF. The location is open grass area bordered by native vegetation to the north and park path to the south.

Lower Kinnear Park - The Park totals approximately 14 acres and is located at 899 West Olympic Place. The potential site is a mixture of open grass area and native vegetation in the lower portion of Kinnear Park next to a tennis court and would be approximately 22,000 SF. This OLA could be approximately 600 feet in length based on the pedestrian trail/service road

that extends from Elliott Avenue West up the side of West Roy Street. Several places along the trail widen out to allow small, relatively flat areas for possible off leash activity.

Proposal Description

The pilot site(s) will be 11,000 - 22,000 SF (¼ to ½ acre) off-leash areas (OLA) in portions of the above identified parks. The final decision on which site(s) will be chosen will be made by the Superintendent upon completion of this SEPA process and after a public hearing before and a recommendation by the Board of Park Commissioners. The pilot project will run for eighteen months, at which time the Seattle City Council will make the final decision as to whether any of the pilot sites become permanent OLAs.

Physical improvements at the OLAs will include fencing, gates, signage and new bark or crushed rock substrate and irrigation and drainage modifications. The pilot OLA projects will have as integral components the following:

1. A monitoring and evaluation program, beginning with a baseline assessment prior to the opening of the site, that will measure existing uses and conditions, including data concerning frequency of use.
2. Strict rules posted at each site stating as a minimum:
 - owners are liable for any damage or injury inflicted by their dogs
 - dogs must be properly licensed and vaccinated
 - no aggressive behavior, biting, fighting or excessive barking
 - dogs must be leashed prior to entering and upon leaving the off-leash site
 - owners must have a visible leash at all times
 - owners must clean up and properly dispose of any feces left by their dogs
 - female dogs in estrus are not allowed
 - dog owner or handler must be with dog at all times
 - dog owners must comply with all park rules and relevant parking information
3. A signed agreement between the Citizens for Off-Leash Areas (COLA) and the City of Seattle, providing for regular volunteer maintenance and other labor at each site; for fundraising to provide supplies for the off-leash areas; to assist Animal Control in providing education for dog owners; and in assisting in troubleshooting problems which may arise during the pilot phase.
4. Management by Animal Control, to ensure maximum compliance with regulations, Animal Control work closely with Seattle Parks and Recreation Department on maintenance and disposal issues, and any problems which might arise.
5. Flexibility to allow any needed course-corrections, such as fencing off areas of extreme wear, rotation of sites, restriction of hours or even closure of a site if conditions warrant. The pilot phase will allow for the accumulation of information to help determine whether off-leash activity should continue beyond the pilot phase.

ANALYSIS - SEPA

Initial disclosure of potential impacts from this project was made in the applicant's environmental checklist, dated August, 2006. The basis for this analysis and decision is

formed from information in the checklist, graphics attached to it, a site visit and the lead agency's experience with review of similar projects.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "[w]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation". The Policies also discuss in SMC 23.05.665 D1-7, that in certain circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts. This may be specified otherwise in the policies for specific elements of the environment found in SMC 25.05.675. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short Term Impacts

The following temporary or construction-related impacts are expected: hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during site work; increased traffic from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires that soil erosion control techniques be initiated for the duration of construction. Erosion will be prevented by implementation of a required Temporary Erosion Control and Sedimentation Plan. Best Management Practices, such as mulching and seeding will be implemented at the site to minimize erosion during construction. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The impacts associated with the construction are expected to be minor and of short duration. Work will be performed by Parks crews and/or contractors and mostly using hand tools. Limited use of mechanized equipment will be employed to strip the sod and spread bark chips. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Construction activities will be confined to weekdays during regular working hours. Hours of construction are limited by the Seattle Noise Ordinance, SMC ch. 25.08, to 7:00 a.m. and ten 10:00 p.m. on weekdays (SMC 25.08.425). No construction is anticipated beyond the normal 7 am to 5 pm work day. The City's Noise Ordinance regulates the loudness (dB) of construction activities, measured fifty (50) feet from the subject activity or device. The City has dedicated Noise inspectors to monitor construction activities and respond to construction complaints. Compliance with the City's Noise Ordinance will prevent any significant adverse short term noise impacts and thus no further conditioning is necessary or warranted.

Only Kinnear Park contains any mapped or observed Environmentally Critical Areas (ECA). Kinnear Park has been identified as a potential slide area, due to the presence of slopes and a history of landslides on the west slope of Queen Anne Hill. The OLA would be sited on flat areas in the lower areas of the park. Construction activities are subject to the applicable provisions of the City's ECA Ordinance. Design and siting of the OLA will be reviewed by the

Park's geotechnical engineer. Construction methods will be in accordance with engineering recommendations and established Best Management Practices for work in potential slide areas. Compliance with the ECA Code and any geotechnical recommendations will minimize the potential for adverse construction impacts associated with constructing an OLA at Lower Kinnear Park.

Compliance with applicable codes, ordinances and regulations will be adequate to achieve sufficient mitigation.

Long Term Impacts

ECA

The long term operation of an OLA at Lower Kinnear Park will not significantly increase the landslide potential of the site. Adequate drainage systems will be put in place at all the OLA sites and site disturbance will be kept to the minimum. Thus, no adverse ECA related impacts are anticipated. Further, compliance with the City's ECA Ordinance will adequately mitigate the potential for any adverse ECA related environmental impacts associated with this project and thus no further conditioning is necessary.

Open Space/Access to Recreation

The proposed sites are un-programmed spaces within larger parks. While the proposal does entail the conversion of an open area within a park, the Queen Anne and Magnolia neighborhoods have identified the need for OLAs for their dogs. The OLA will serve the immediate neighborhood; given their size, it is unlikely that people will drive great distances, particularly since there are other, larger OLAs in other areas of the City.

Because the project involves improvements to underused sites, long-term environmental impacts of the project are generally favorable. The Seattle Police Department has expressed its general support of the OLA program, and believes that, particularly in areas such as Lower Kinnear Park that are prone to illegal activities, the positive presence of a legitimate activity such as dogs being exercised by their owners may serve to deter undesirable activity.

As noted previously, these OLAs will be pilot projects and will include as integral components the following measures:

1. A monitoring and evaluation program;
2. Strict rules posted at each site;
3. A signed agreement between the City of Seattle and the Citizens for Off-Leash Areas (COLA), the dog owners group organized to support the formation of off-leash areas;
4. Management by Animal Control to ensure maximum compliance with regulations; and,
5. Flexibility to allow any needed revisions to the program, including fencing off areas of extreme wear, rotation of sites, restriction of hours, or even closure of a site if conditions warrant. The pilot phase will allow for the collection of information to help determine whether off-leash activity should continue beyond the pilot phase.

The question of proper disposal of dog feces is a major concern for both proponents and opponents of off-leash areas. The City Council passed a bill in 1995 to amend SMC 21.36.025, which had banned disposal of animal excrement into the solid waste stream. The 1995 bill permits the disposal of animal excrement in public and residential garbage cans, provided it is

first placed in a closed, leak-proof bag or container. Parks resource crews have reported observing consistently high percentages of dog owners picking up after their dogs in the pilot OLAs.

Locales such as King County, Washington, and Long Beach, California, indicate that disposal of dog feces at their off-leash parks is not a major problem for two primary reasons: the high degree of compliance with posted rules and the strong peer pressure exerted by those responsible dog owners who do not want to lose their off-leash privileges. The following actions reduce the potential for dog feces to create an environmental health hazard:

1. Leak-proof containers (plastic bags) available at convenient locations;
2. Garbage cans provided for disposal of dog waste;
3. Rules for proper disposal of dog feces and use of the off-leash posted, including the requirement that pet owners pick up after their dogs;
4. Rigorous enforcing of the city's "scoop" law; and,
5. Peer pressure exerted by other dog owners who do not want to lose the right to use these areas.

The results of sampling at OLAs existing elsewhere in Seattle showed that fecal coliform and ammonia can be found in the soils within and adjacent to the areas. However, stormwater performs a beneficial rinsing function of the soils in OLAs. Since the site is not covered, it will be open to the weather and rain water will provide the rinsing function. On sloping sites, project design could include a filter strip on the down-gradient side of the off-leash area to capture water leaving the OLA. This filter strip would contain organic materials to which the pollutants will bind, cleansing the run-off from the site. The filter strip design could also include a perforated pipe to carry excess water to the City's sanitary sewer system if there is one in the vicinity.

In general, both Ecology and the King County Health Department recommend implementation of BMPs to help minimize ammonia and fecal coliform impacts to the environment. The recommended BMPs include:

1. Keeping sites clean of obvious fecal deposits.
2. Maintaining some form of onsite storm water filtration and flow impediment such as covering the sites with areas of grass, rock, wood chips, etc.
3. Maintaining buffers of grass and/or some other form of storm water filtration and flow impediment between the down-gradient side of the off-leash areas and adjacent public areas including surface water bodies.

In response to these BMPs:

1. Individuals will be required to deposit waste in collection facilities and reinforced by COLA's outreach and monitoring.
2. The sites will be covered with bark and hog fuel. Infiltration will be designed to accommodate runoff generated by stormwater.
3. The Kinnear Park site will be buffered on the downhill side by dirt, soils, and a row of natural vegetation.

Compliance with the identified BMPs will be adequate to achieve sufficient mitigation. Upon completion of the project, no long term adverse environmental impacts are anticipated and thus no conditioning is necessary or warranted.

DECISION

This decision was made after the responsible official, on behalf of the lead agency, reviewed a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and final decision on application of SEPA's substantive authority and mitigation provisions. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- (X) Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- () Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. AN EIS is required under RCW 43.21C.030(2)(C).

Signature: <signature on original>
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Date: August 29, 2006